

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

WRIT PETITION NO : 10558 of 1994

Between:

S. Ramarao s/o Bhadraiah, aged about 57 years, Superintending Engineer, Operation,
APSE Board, Nizamabad.

..... PETITIONER

AND

**The Andhra Pradesh State Electricity Board rep. By its Member Secretary,
Vidyut Soudha, Somajiguda, Hyderabad,.**

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to a writ, order, or direction, particularly one in the nature of writ of mandamus declaring the date of birth of the petitioner as 6-5-1937 and that the date of birth as entered in the school record and service record as 15-7-1936 is not correct and also declaring the action of the respondent-member secretary to not⁵ replying to his representation dated 20-11-1993 which was forwarded by the CE/Electy. Hyderabad zone as illegal, arbitrary and violative of Articles 14 and 16 of the Constitution of India and further declaring that he is entitled to continue in service till he attains 58 years of age basing on the date of birth extract issued by orders as this Hon'ble court deems fit and proper.

Counsel for the Petitioner:MR.M.PANDURANGA RAO

Counsel for the Respondent No.: MR.S.RAVINDRANATH

The Court made the following :

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Order:

That viewed from any angle, the cause in this writ petition does not survive requiring any further adjudication as such. The petitioner had already attained superannuation and retired from the services of the respondents.

The petitioner's date of birth is entered in the official records as 15-7-1936 and he wanted the same to be amended as 6-5-1937 on the strength of a decree obtained by him from the Civil court to which the respondents-employer are not the party-defendants. The request of the petitioner has been rightly rejected by the respondents on the ground that they are not bound by the decree. The view taken by the respondents is perfectly in conformity with the law declared and enunciated by this Court and as well as by the Apex Court.

The writ petition fails and shall stand accordingly dismissed. No costs.

B.Sudershan Reddy, J.

12th August, 2004

grr